

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK,

Plaintiff,

-v-

ARM OR ALLY, LLC et al.,

Defendants.

22-CV-6124 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On February 4, 2024, Plaintiff, the State of New York (the “State”), moved for entry of a default judgment against Defendant Indie Guns, LLC. *See* ECF No. 238. By Order entered two days later, the Court set February 26, 2024, as the deadline for Indie Guns to respond and March 4, 2024, as the date of a show cause hearing on the motion. *See* ECF No. 242. The next day, the State filed proof that the Court’s Order had been served on Indie Guns through its owner and principal, Lawrence Destefano. *See* ECF No. 243; *see also* ECF No. 241 (providing proof on February 5, 2024 that the State’s motion papers had been served on Indie Guns). On Friday, February 23, 2023 — one business day prior to Indie Guns’s deadline to oppose the State’s motion — the Court received via e-mail a letter from Destefano requesting “an additional 60 days from today to secure counsel.” A copy of the letter is attached to this Order.

Destefano’s request is DENIED. First, the law is clear that corporate entities may appear in federal court only through licensed counsel. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007). As a courtesy, in March 2023, the Court entertained a similar request from Destefano in a parallel case brought by the City of New York. *See City of New York v. Arm or Ally, LLC*, 22-CV-5525 (JMF), ECF No. 101 (S.D.N.Y. Mar. 9, 2023). But Destefano and Indie Guns have

been on notice since at least December 2022 — and repeatedly reminded — that Indie Guns may appear only through counsel (not to mention that, as a non-lawyer, he may not contact the Court directly). *See id.* ECF Nos. 83, 87, 92, 99, 102; *see* ECF Nos. 151, 164, 169, 192, 222, and 242. Moreover, they have been on notice since at least at least March 2023 that the Court would deny requests for extension that were not filed through counsel. *See* ECF No. 169. At this point, Destefano (and Indie Guns) are entitled to no further courtesies. Accordingly, Destefano’s belated request for an extension is a nullity and denied on that basis alone.

Second, and in any event, even if the Court were to entertain Destefano’s request, it would deny the belated request on the merits. As noted, Indie Guns has been on notice for over *fourteen months* that it may appear in this Court only through counsel — not to mention that, absent counsel, default judgment may be entered against it. *See City of New York v. Arm or Ally, LLC*, 22-CV-5525 (JMF), ECF Nos. 83, 101. In this case, Indie Guns has had almost a full year — since the Court granted its prior counsel’s motion to withdraw on March 6, 2023 — to obtain new counsel, *see* ECF No. 151, and it has had notice since at least February 5, 2024, of the State’s motion, *see* ECF No. 241. Moreover, as noted, the Court has repeatedly reminded Indie Guns that it may appear only through counsel — and that, absent counsel, default judgment may be entered against it. *See, e.g.,* ECF Nos. 151, 169, 222. Put simply, Indie Guns has had ample time to secure counsel before today’s deadline to oppose the State’s motion and has no basis to request a further extension.


For these reasons, Destefano’s request for an extension is DENIED. Accordingly, today’s deadline and the show cause hearing scheduled for March 4, 2024, at 3:30 p.m. remain in effect. Further, Indie Guns is reminded once again that it may appear at the show cause hearing only *through counsel admitted to practice in this Court*. To enforce that limitation, the hearing will not be held on the call-in line referenced in the Court’s Order of February 6, 2024. *See* ECF

No. 242. Instead, at least **twenty-four hours before the hearing**, counsel shall email to the Court the names, honorifics (e.g., Mr., Ms., Dr., etc.), and telephone numbers of those who will have speaking roles at the hearing, and the Court will provide call-in information to those counsel. All others — counsel who will not have speaking roles and members of the public — may listen to the conference by calling the Court’s dedicated conference call line at (888) 363-4749 and using access code 542-1540 followed by the pound (#) key (i.e., the call-in information set forth in the Court’s February 6, 2024 Order). Counsel are reminded to follow the procedures for teleconferences described in the Court’s Individual Rules and Practices for Civil Cases, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

The State shall serve a copy of this Order on Indie Guns, and file proof of such service, no later than **February 27, 2024**.

SO ORDERED.

Dated: February 26, 2024  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge

FROM THE DESK OF

**Lawrence Destefano**

February 23, 2024

Chambers of the Hon. Jesse M. Furman  
United States District Court  
Southern District of New York  
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New York, NY 10007  
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Case 1:22-cv-06124-JMF

Re: Filing opposition to motion for default judgment

Per the Court's Order of February 5, 2024, I write to inform the court that I'm in the process of securing counsel to speak on my behalf.

I am requesting an additional 60 days from today to secure counsel.

Respectfully submitted,

A handwritten signature in black ink that reads "Lawrence Destefano". The signature is written in a cursive, flowing style with a large initial 'L'.

Lawrence Destefano